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Book Review: Pathways to Gendering Policy : The Politics of Sexual Harassment: A Comparative Study of the United States, the European Union, and Germany

Conny Roggeband

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This epistemological and political edginess and ambivalence emerges strongly from Byrne's reference to the principles of sharing research with respondents. How do you do this appropriately when working on how people are embedded in racist discourse and practice, without locating yourself as some kind of judge? As a white researcher of whiteness, you know that you are also implicated in this racialization process. Bridget Byrne's book succeeds in raising questions that contribute both to research agendas on contemporary social identities, and to making the reader reflect on the substantive issues of complicity in broader political change. Hopefully her next set of findings will be published more rapidly than these.

Steve Garner
University of the West of England

PATHWAYS TO GENDERING POLICY

DOI: 10.1177/1350506806068672

Kathrin S. Zippel

The Politics of Sexual Harassment: A Comparative Study of the United States, the European Union, and Germany

Cambridge: Cambridge University Press, 2006, 255 pp., ISBN 0-5218-4716-8 (hbk), 0-5216-0994-1 (pbk)

Within a period of three decades sexual harassment has evolved from a new concept to a multi-level policy field. Zippel's readable and detailed study traces how the issue of sexual harassment has been taken up by different political actors and resulted in a number of new regulations, institutional arrangements and provisions. Her comparison of policy change in three different contexts provides an excellent insight into how different institutional arrangements shape these struggles and outcomes. Zippel's study seeks to explain the very different ways states have responded to problems of sexual harassment. The three cases examined in the book show important differences in timing of, and in pathways to, legal reform. Although feminist activists, femocrats, experts and politicians in different contexts have been successful in promoting feminist frames of sexual harassment and effecting policy change, the outcomes have been different and it remains difficult to decide which path has most improved women's working position in relation to sexual harassment: regulation of working conditions or legal arms to redress offences.

Zippel compares three different cases: the US, the EU and Germany, each with a very different route to policy change, and hence, different outcomes.

The US legal-liberal path is characterized by Zippel as a revolution in judiciary that resulted in a feminist definition of law. Sexual harassment is defined as one form of sex discrimination and courts have accepted a definition of sexual harassment from the victim's perspective as unwanted sexual behaviour. In the US, the development of laws against sexual harassment happened in court rooms, by judges, not by lawmakers. As early as 1976, in the *Williams v. Saxbe* trial, a US court accepted sexual harassment as sex discrimination. The anti-discrimination law of 1964 provided a strong basis to build on.

The role of the women's movement in the US case can be labelled ambiguous. They have been important pioneers on the issue, yet feminist organizing has not been particularly strong and mainly took place at an early stage. Working Women

United, founded in 1975, was the first single-issue organization that mainly aimed at consciousness raising and mobilizing women by using the feminist strategy of Speak Outs (developed in the context of the anti-rape movement). More single-issue organizations emerged, but most had disintegrated by the 1980s. As Zippel shows, it was mainly individual feminists, and particularly feminist lawyers, legal scholars and femocrats, who have been crucial actors for the framing of sexual harassment as sex discrimination. Feminists have used litigation as a strategy by supporting cases they expected to be precedent-setting. This legal route proved to be much faster and more successful than lobbying for sexual harassment laws and also it provided a good way to avoid an unfavourable political opportunity structure at the federal level. Not all feminists, however, agreed with the litigation strategy. The grassroots feminist group Alliance Against Sexual Coercion, for example, proposed extralegal solutions like protest, making public accusations to harassers and feminist services instead of institutional arrangements.

The issue of sexual harassment became visible, both within the US and in the rest of the world, due to some high profile cases, like Anita Hill's allegations against Judge Clarence Thomas and Paula Jones's suit against President Clinton. These cases served to create public awareness that sexual harassment was a widespread problem, but also had a very negative impact. The women who accused politically powerful men of sexual harassment were depicted by the media as vengeful creatures, primarily driven by political and financial motives. Zippel argues that behind the success of legal rulings, there is little public consensus on what sexual harassment is and what behaviours should be coined as illegal. Despite the opportunities to effect legal change, structural policies to combat violence in the workplace remain absent from the US.

The multi-level policy-making process of the EU implied a slower process of incremental policy change in relation to sexual harassment. This process started with the 1976 Equal Treatment Directive and was followed by a number of soft law measures in relation to sexual harassment, e.g. a Recommendation of the Council of Ministers in 1984, a Parliamentary Resolution in 1986, a Resolution of the Council of Ministers in 1990, and a Code of Practice in 1991. Finally, a Directive was adopted in 2002. This directive, according to Zippel, places the EU as innovator ahead of most member states. Why did this slow process of policy change lead to such a radical result? Zippel offers two central explanations. First, she argues that the multi-level policy-making process of the EU provided specific opportunities for feminist groups and demands. Zippel claims that both the EU Commission and Parliament have been particularly open to the issue of gender equality because they were trying to build legitimacy, by responding to neglected domestic groups and issues. Second, while national policy-makers have to take public opinion more into account, the EU lacks a clear public sphere. Transnational advocacy networks (TANs), consisting of policy-makers, experts and activists, strategically filled this gap by providing transnational expertise. Although I agree with Zippel that feminists at various levels and places have played a crucial role in the EU policy process, I think the concept of a transnational advocacy network too strongly suggests that there has been stable intentional coordinated feminist action, whereas Zippel's evidence shows that feminist lobbying and mobilization varied and that different actors were important at different moments. Also, it suggests that there was a feminist consensus on what strategic frame was most adequate. The EU definition that resulted from the Rubinstein report, which emphasizes 'respect for the dignity of women at work', has helped to define sexual harassment as a workplace issue and thus legitimize EU policy-making, but did not fit well into feminist framing.

While Zippel gives a detailed account of the EU policy-making process and the influence of feminist actors, she devotes little attention to the supranational negotiations between member states and how the opposition to a directive by some powerful players like the UK and Germany as well as the employers union, was overcome. This would have been interesting and would have provided useful lessons for future struggles.

Policy change in Germany has taken a slow 'statutory-corporatist' route. Feminists trying to politicize sexual harassment made a long march through the institutions, building coalitions and seeking compromises between the different parties involved. These negotiations resulted in a watering down of feminist demands and a marginalization of the feminist discourse on sexual harassment. The German route reflects a tradition of collective social rights over individual legal rights. The German state only intervenes if social partners cannot reach an agreement in collective bargaining processes.

Although Germany, in response to the EU recommendation and Code of Practice, passed an Employee Protection Law in 1994, this law treats sexual harassment primarily as a workplace issue. Sexual harassment was not depicted as a problem of gender equality. Only intentional and recognizable forms of harassment were prohibited, legal redress remained weak and the law lacked effective reinforcement mechanisms. It took almost a decade before a new law was discussed that framed sexual harassment as sex discrimination. In 2005, the government was forced to comply with the EU Directive.

Many of Zippel's findings have a wider importance. She has developed a persuasive and coherent explanation of variety in policy, and the factors and actors that are central for political change. One of the most interesting findings is the interrelatedness of the three cases (the US, EU and Germany). Zippel's study nicely illustrates how different paths not only result from different institutional contexts, but can also be attributed to cross-national diffusion and learning effects. Transnational learning proved to be an important process at very different levels, not only between feminists, but also between unions, policy-makers and politicians. The results of these processes varied too: the frame developed by US feminists of sexual harassment as sex discrimination was adopted by European feminists. Feminists also used successes in other contexts to lobby for policy change within their own context. But diffusion also proved to be a mixed blessing: many European feminists had a negative perception of the results of the US struggle to penalize sexual harassment and therefore strategically rejected a similar model. Also, EU member states that experienced the expensive and difficult implementation of earlier gender equality directives were very reluctant to approve new agreements in this field.

From a European perspective, Zippel's finding of a 'ping pong' game between the EU and its member states is particularly interesting. Zippel's study provides some evidence of this ping pong process, although Germany is probably not the best case to illustrate it. In this respect it would have been more interesting to look at a state with active women's organizations that also participated in the TANs on sexual harassment like France, the Netherlands or the UK and examine how these organizations played the ping pong game between the national and supranational level. Which level was addressed at what points, and which arguments and strategies were used to convince the state or supranational policy-makers? What role did the TANs play in supranational negotiations between member states? The complexity of EU policy-making, the specific opportunities and constraints of addressing gender issues at this level, remain an interesting puzzle for feminist scholars. When do member states prefer to address an issue at the national level

and when do they opt for supranational policies? When are EU policies based on the lowest common denominator and when does the EU become an innovator?

The Politics of Sexual Harassment offers important theoretical insights into processes of political change. This compelling book is an invitation to political scientists and sociologists to apply these insights to other issues and nations.

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RESEARCH IN ACTION FOR WORKERS' RIGHTS

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Angela Hale and Jane Wills, eds

Threads of Labour: Garment Industry Supply Chains from the Workers' Perspective
London: Blackwell, 2005, xviii + 266 pp., ISBN 1-4051-2638-8

The co-editors of *Threads of Labour* (henceforth *Threads*) had a tough task. They were reporting on data gathered by labour rights advocates supporting workers in nine different garment-producing countries. Due to the attention drawn to labour abuses within the garment industry over the last decade, the body of literature in this area seems to have reached a point of saturation. Academic analyses of the industry, primarily by economists, sociologists and geographers, are at least matched in number by the accounts on workers' issues available in the 'grey' literature disseminated by various stakeholder bodies. What then could be the contribution of *Threads* in this ocean of written material on the global clothing industry?

For one, it is a research report compiled by a small, England-based non-governmental organization (NGO) called Women Working Worldwide (WWW), which uses its links with women workers' organizations in other countries 'to inform public campaigning and advocacy work in Europe' (p. 3). As such, *Threads* represents one of WWW's attempts to publicize issues that arise from workers' lives and experiences in the field-sites – Bangladesh, Bulgaria, China, India, Pakistan, the Philippines, Sri Lanka, Thailand and the UK – to a wider audience. Through this international project, the contributors bring home the need 'for tackling the structure of the industry and the way in which subcontracting is managed, rather than focusing on the particularities of production and working conditions in any particular part of the world' (p. 4).

A related asset of this industry-wide approach to advocacy and networking is that the book combines an understanding of the political economy of contemporary garment production with insights into its impact on workers. For example, a chapter by Jennifer Hurley illuminates the complexities of supply chains, which are multi-tiered and embedded in various types of power relationships. She also considers the pressure that workers at various points in the chain face. Furthermore, *Threads* reflects a joint commitment of the organizations involved to improve working conditions for the most vulnerable workers, those in tenuous employment in small-scale units and home-workers, not just the regular employees in big factories. This is no easy task, as the authors explain. The chapter by Rohini Hensman addresses the question of effective strategies to tackle the situation of three categories of workers separately. She argues that codes of conduct may be appropriate initial steps for some workers, whereas 'the deeper we plunge into the murky depths of subcontracting chains, the less sense it makes